



February 2023

## Description

## FCC

### [Last Chance to Streamline Earth and Space Station Applications](#)

- The FCC's Notice of Proposed Rulemaking (NPRM) on Streamlined Earth and Space Station applications [continues on, with reply comments due on April 3](#). The Commission has already received nearly 30 comments and other filings to advocate for changes to the rules.
- *Why it matters to you:* As we often note, FCC NPRMs are a prime opportunity to raise problematic policy issues and seek to change them. Even on reply, companies can weigh in to echo proposals they support and challenge those they don't. Once the April 3rd deadline passes, it becomes more difficult to influence the FCC's decisions in this NPRM, and there may not be another opportunity like this for years.

## The Office of Space Commerce

### [More Rules for Space Junk](#)

- The director of [The Office of Space Commerce](#), Richard Dalbello, recently articulated concerns about there being no international agreement regarding space traffic management policies (something this newsletter covers consistently). Dalbello noted, “we’re going to live in a world where you, as a satellite operator, probably will have two or three or four different choices. From our perspective, that’s slightly terrifying to me.”
- *Why it matters to you:* OSC also has its eye on more esoteric space policy issues like moon bases, but its concerns about space traffic management are more pressing for most commercial space operators. A number of nations view space traffic management as an issue of national sovereignty so that parallel systems will spring up. To the best of their ability, commercial space operators must monitor these developments and encourage spacefaring nations to adopt consistent, if not identical, rules.

## National Space Council

### [Bringing Mission Authorization Into 2023](#)

- For years, the industry has grappled with where Mission Authorization should fall for novel space applications such as on-orbit servicing, in-space manufacturing, debris removal, and asteroid mining. The National Space Council has been working on and intends to soon release a plan for closing the gaps for who should authorize what among regulators. The process has drug out primarily due to disputes between the Department of Transportation and the Department of Commerce. George Nield, former associate administrator of FAA’s Office of Commercial Transportation (“AST”), suggested that perhaps it’s time to recognize space as another form of transportation and place AST back where it started- at the DoT table.
- *Why it matters to you:* This debate has been ongoing for a while. I think we would all be happy for it to be settled, so it’s not the topic of every other conference panel. Seriously, though, if AST is placed back at the DoT table, then it gives space transportation the same legitimacy as other forms of transportation and increases bargaining power with other agencies at the same level. (E.g. NASA, FAA, DoS, DoC)

### [New Advisory Group to National Space Council focused on the Space Industry as a Whole](#)

- The first meeting of the National Space Council’s Users Advisory Group (“UAG”) took place on February 23rd. The [UAG charter](#) states that the entity will advise the NSC on ensuring that the interests of the space industry are represented. The UAG has six subcommittees addressing issues ranging from exploration and discovery to STEM education and climate change. Thirty members across all aspects of industry comprise the UAG, with representatives from legacy defense contractors to commercial space startups and even teachers.
- *Why it matters to you:* There’s potential for commercial space to really benefit from the formation of the UAG. With regard to the UAG, Space Force vice chief Gen. D.T. Thompson stated, “the commercial sector is now also serving as an engine of innovation, and the technologies that they’re developing, the new and innovative operating concepts, the way they are thinking about space also spurs us on to think about, can we use those technologies and operating concepts...perhaps we can adapt them to some of the military roles and missions.” This is another signal that the U.S. government is motivated to work with the commercial space industry

---

to advance national security interests in space. The more the DoD sees reason to support the commercial space sector, the more the industry can look to them for support and commercial business.

## Space Force!

### [Space Force Looking to Acquire ISAM Services](#)

- Space Force is developing a plan for satellite refueling and servicing capability utilizing commercial space companies.
- *Why it matters to you:* There are no acquisition programs yet, but the Space Force is taking note of companies that are testing concepts for refueling and repairing satellites in orbit. If you are working on this technology, keep an eye out for opportunities once funding becomes available. Also, look out for a formal program to develop a propulsion interface—Space Force is slowly taking steps toward embracing those capabilities.

## Space Com

- General Dickinson of the U.S. Space Command, which is not a branch of the U.S. Space Force but instead [a joint service effort that focuses on Space-related defense issues](#), recently spoke about [sharing space situational awareness data with up to 169 different countries](#).
- *Why it matters to you:* There is comfort in knowing many spacefaring nations, including [sophisticated administrations that may create their space traffic management rules in the future](#), are relying on the same space situational awareness and benefitting from information sharing. This can create an important precedent and data point as the commercial space industry encourages the governments of the world to work together on space safety issues.

## Government Contracting

### [Small Business Contracts Get a push from DoD](#)

- The U.S. Government and Defense Department as a whole is pushing programs to help engage small businesses in contracting. In January 2023, the DoD released a [Small Business Strategy](#) because, despite this push, the participation of small businesses in the defense industrial base (DIB) has declined over the past decade.
- *Why it matters to you:* There is a disconnect between 8(a) companies and acquisition officers. If you want to do business with the Government, start with the small business director of a buying command and respond to requests for information (RFI). If two or more small businesses respond to the RFI that they can do the work, the contract will be set aside for small business.

## U.S. Export Control

### [3D Printing Company Agrees to \\$20 M Fine for Export Violations](#)

- 3D Systems Corporation (“3D”), a South Carolina company, provides international additive

---

manufacturing technology and services. 3D has agreed to an administrative settlement in the amount of \$20 million with the DoS for a slew of export violations that occurred from 2012 to 2018. In [Charging Letter](#), the company is found to have sent technical data to Germany and China without proper authorizations, employed foreign persons without proper authorizations, maintained mirrored foreign servers, failed to maintain any compliance program, and provided little to no training on export controls. The list goes on.

- *Why it matters to you:* The violations committed by 3D systems are not nefarious; instead, they're a product of willful ignorance to export regulations. Many companies maintain mirrored servers with foreign parents or subsidiaries without considering export implications. Many companies do not have any sort of written procedures. Instead, they rely on tribal knowledge of rules. 3D is a poster child for common mistakes many companies are currently making. This could indicate regulatory authorities' intentions to continue cracking down.

## ACSP News

### [BOOTCAMP, BOOTCAMP, BOOTCAMP!!!!](#)

- We recently completed our first Space Regulatory Bootcamp! With over 115 people in attendance, we were absolutely floored by the participants, their enthusiasm, and willingness to engage our instructors. We had over 14 different subjects, taught by leading experts to help people overcome the regulatory hurdles in the space industry. This is the step forward in our mission to democratize space.
- We are planning the next one! We've already begun looking for sponsors/venues to host the Bootcamp. Please feel free to email, [bryce@acsp.space](mailto:bryce@acsp.space) with any thoughts/questions/or leads.

### [Training Options at ECTI](#)

- Export Compliance Training Institute's ITAR, EAR & OFAC Export Controls Seminar taking place on March 27-30, 2023, in Orlando, Florida. The Seminar will be hosted by the Export Compliance Training Institute (ECTI) and will be led by Aegis Space Law attorney, Bailey Reichelt, and Torres Trade Advisory's Don Pearce.
- This seminar series provides both novice and experienced export compliance professionals with a comprehensive education on complying with U.S. export regulations. We will review recent ECR changes and potential coming changes from the current administration and what they could mean for your compliance programs. To learn more about the seminar instructors, agendas, and registration options, please visit <https://hubs.ly/Q01sRkHC0>. Be sure to use discount code "atl10" at checkout to receive 10% off!